

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

YANG CHIA TIEN,

Defendant.

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MEMORANDUM AND ORDER
10 CR 404 (ILG)

GLASSER, United States District Judge:

A submission has been filed by the defendant styled "Motion for Discover for Pending Case and Motion of 2255." Dkt. No. 31. The docket numbers referenced are 10-cr-404 (ILG) and 14-cr-1015 (Sec. Cir). Case numbered 10-cr-404 was transferred to the Northern District of New York where a case against the defendant was also pending and where he would plead guilty to both cases. The transfer was on consent. Dkt. No. 22.

On January 19, 2010, Tien pleaded guilty to the Northern District indictment and on May 24, 2010 he pleaded guilty there to the single count indictment returned in this district in which he was charged with forgery of a passport. Tien subsequently appealed both convictions and on June 26, 2013, his convictions were vacated and the cases remanded. See United States v. Tien, 720 F.3d 464 (2d Cir. 2013). The case which originated here, 10-cr-404, will, by virtue of the remand, be returned here but has not yet arrived.

On March 27, 2009, Tien was indicted in the Northern District of New York and charged with three counts of bribery. United States v. Tien, No. 09-178, Dkt. No. 1. Trial commenced in that case on November 12, 2013, id., Dkt. No. 133, and the jury returned a verdict of guilty on all counts on November 14, 2013, id., Dkt. No. 139. The

defendant was sentenced on March 31, 2014, id., Dkt. No. 160, and filed his notice of appeal on April 3, 2014, id., Dkt. No. 162.

Insofar as the pending submission references 22 U.S.C. § 2255, it is plainly addressed to his pending appeal which has yet to be decided and is therefore premature. What it seeks is an order from this Court that is in the nature of discovery in the passport forgery cases which has not as yet been received here. When the defendant's case was here, prior to its transfer to the Northern District of New York, he was represented by CJA counsel, Margaret M. Shalley. When he reappears here Ms. Shalley will be informed and resume her appearance on his behalf. A consideration of this motion will await this event and is for now premature.

SO ORDERED.

Dated: Brooklyn, New York
 May 19, 2013

/s/
I. Leo Glasser
Senior United States District Judge